

Abstract

Usufructuary right of building and other ways of erecting house on the land of another

The purpose of this thesis is to analyse comprehensively the institute of usufructuary right of building and other ways of erecting house on the land of another. Other legal institutes that can be used to set up home on a foreign land are easements, lease, usufructuary lease, precarious loan and loan for use. The Civil Code, after more than sixty years, is returning to the superficial principle, with which is the usufructuary right of building inherently connected and which represents an exception from that principle.

Thesis is divided into four parts. The largest is the first part, which deals with the usufructuary right of building. The second part is devoted to other institutes, which enable the establishment of a house on a foreign land. The third part is the comparison of the usufructuary right of building with other institutes. The fourth part focuses on the usufructuary right of building legislation abroad.

The focus of this thesis is in the first part, which consists of nine chapters. The first chapter defines the basic concepts and institutes related to the usufructuary right of building. The second chapter describes the history of the usufructuary right of building. The third to the seventh chapter gives an interpretation of the concept of the usufructuary right of building and its current legislation, where the emphasis is put on the creation and termination, and the rights and obligations which it constitutes. The eighth chapter focuses on the land registry in relation to the usufructuary right of building. The ninth chapter deals with today's possibilities of the usufructuary right of building usage.

The second part contains three chapters, which gives an interpretation of the other institutes that can be used to establish a house on a foreign land. The first chapter deals with lease and usufructuary lease. The second chapter focuses on easements. In the third chapter the precarious loan and loan for use are discussed.

The third part is divided into three chapters, which compares the usufructuary right of building with other institutes. The comparison is focused on the possibilities of using the institutes to build a house on a foreign land.

The fourth part deals with foreign legislation of the usufructuary right of building, specifically Austrian and Dutch legislation.